

REMARKS/ARGUMENTS

Claims 1, 8-9, and 12-16 are amended herein. Claims 21-24 is added herein. Claims 1-24 remain in the application. No new matter has been added. Consideration and examination is respectfully requested.

1. CLAIM 15 UNDER U.S.C. § 112:

In the section entitled "Claim Rejections - 35 USC § 112" on page 2 of the Office Action dated 2 June 2004 (Paper No./Mail Date 20011115) referred to hereinafter as the Office Action of 2 June 2004, it was indicated that claim 15 "recites the limitation 'said results compared to said selected specifications' in line 2" and that there is "insufficient antecedent basis for this limitation in the claim." In fact, however, the cited part of claim 15 read as "said results compared to said selected specification." Also, the Office Action of 2 June 2004 implied a rejection of claim 15 under 35 U.S.C. § 112 but failed to specifically so reject claim 15.

Applicant has amended claim 15 such that the antecedent basis is now correct. Thus, Applicant has overcome the apparent rejection of claim 15 under 35 U.S.C. § 112 found on page 2 of the Office Action of 2 June 2004.

2. REJECTION OF CLAIMS 1-20 UNDER U.S.C. § 102:

In the section entitled "Claim Rejections - 35 USC § 102" on page 2 of the Office Action of 2 June 2004, claims 1-20 were rejected under 35 U.S.C. § 102 as allegedly being anticipated by *Akashch* in U.S. Patent Number 6,134,674 entitled "Computer Based Test Operating System" hereinafter *Akashch*. Applicant respectively traverses.

As stated in MPEP 2131 "To anticipate a claim, the reference must teach every element of the claim." As will be shown in the following paragraphs, *Akashch* fails to teach every element of claims 1-20.

Regarding Rejection of Independent Claim 1 Under 35 U.S.C. § 102:

Among other items, *Akashch* does not disclose the reception of "a selected one of a plurality of previously created alternative specifications for assessing a datapoint generated by a test, wherein each of the plurality of alternative specifications is a different specification for assessing the datapoint" as claim 1 of the Present Application does. In column 6, lines 23-35, *Akashch* discloses the following:

"The input and output signals to and from UUT 112 are distributed through resource distributor panel 118 on instrument rack 110. Test program 106 is utilized to test UUT 114 using various instruments 112.sub.1 . . . 112.sub.N on instrument rack 110. **More specifically, various instruments 112.sub.1 . . . 112.sub.N are given particular test parameters and test functions through their dedicated instrument drivers 134.sub.1 . . . 134.sub.N and IIM108.sub.1 . . . 108.sub.N.** Test program 106 simply runs a test using instruments 112.sub.1 . . . 112.sub.N with the test parameters and test functions on UUT 114. The results in the form of measurements and pass or fail results is output back to a user through monitor 120 of computer 100 or on paper through printer 122 coupled to computer 100."

And in column 7, lines 19-37, *Akashch* further discloses the following:

“TM 107 allows the user of CBTOS 101 to select test tolerance criteria to be used to test UUT 114 with various instruments 112.sub.1 . . . 112.sub.N. TM 107 performs this function by operating in two modes. Namely, in a setup mode and in an execute mode. **In the setup mode, TM 107 allows a user of CBTOS 101 to set a pass/fail criteria for a specific test step when created or edited using TPE 105. The criteria is also known as tolerance.**

Subsequent to the test tolerance criteria being selected, the test program 106 may be run to test UUT 114 with instruments 112.sub.1 . . . 112.sub.N. After the completion of a test, TM 107 compares the return reading from instruments 112.sub.1 . . . 112.sub.N received from any one of the instruments during TM 107's execute mode with the tolerance criteria predefined in the setup mode during the execution of the test. TM 107 then returns a pass or a fail message to TEM 111. TEM 111 is the supervisory program for the CBTOS of the present invention which controls the execution of the modules of the CBTOS and regulates the flow of work in the CBTOS.”

Note that *Akasheh* discloses setting “a pass/fail criteria for a specific test step” but does NOT disclose the selection of “one of a plurality of previously created alternative specifications” which can be used for a particular datapoint. In *Akasheh* each of the instruments 112.sub.1 . . . 112.sub.N individually measures a separate item analogous to a datapoint of the Present Application and each of the instruments 112.sub.1 . . . 112.sub.N individually uses its ONE AND ONLY specified criteria for evaluation of its datapoint.

Thus, Applicant has demonstrated that *Akasheh* fails to teach every element of claim 1. Because *Akasheh* fails to teach every element of claim 1 as required by MPEP 2131, *Akasheh* does not anticipate claim 1. In addition, *Akasheh* fails to suggest every element of claim 1. Thus, claim 1 is allowable over *Akasheh*.

Regarding Rejection of Dependent Claims 2-7 Under 35 U.S.C. § 102:

Because dependent claims 2-7 depend from independent claim 1, it is noted that dependent claims 2-7 have all the features described above for claim 1 as elements. As demonstrated above, independent claim 1 is not anticipated by *Akasheh*, nor does *Akasheh* suggest every element of claim 1.

Thus, *Akasheh* fails to teach every element of each of the claims 2-7. Because *Akasheh* fails to teach every element of each of the claims 2-7 as required by MPEP 2131, *Akasheh* does not anticipate claims 2-7. In addition, *Akasheh* fails to suggest every element of claims 2-7. As such, claims 2-7 are allowable over *Akasheh*.

Regarding Rejection of Independent Claim 8 Under 35 U.S.C. § 102:

Among other items, *Akasheh* does not disclose “receiving a selected one of a plurality of previously created alternative specifications for assessing a datapoint generated by a test, wherein each of the plurality of alternative specifications is a different specification for assessing the datapoint” as claim 8 of the Present Application does. Applicant again notes that in column 6, lines 23-35 and in column 7, lines 19-37, *Akasheh* discloses setting “a pass/fail criteria for a specific test step” but does NOT disclose the selection of “one of a plurality of previously created alternative specifications” which can be used for a particular datapoint as in claim 8 of the Present Application. In *Akasheh* each of the instruments 112.sub.1 . . . 112.sub.N individually measures a separate datapoint and each of the instruments 112.sub.1 . . . 112.sub.N individually uses its ONE AND ONLY specified criteria for evaluation of its datapoint.

Thus, Applicant has demonstrated that *Akasheh* fails to teach every element of claim 8. Because *Akasheh* fails to teach every element of claim 8 as required by MPEP 2131, *Akasheh* does not anticipate claim 8. In addition, *Akasheh* fails to suggest every element of claim 8. Thus, claim 8 is allowable over *Akasheh*.

Regarding Rejection of Dependent Claims 9-15 Under 35 U.S.C. § 102:

Because dependent claims 9-15 depend from independent claim 8, it is noted that dependent claims 9-15 have all the features described above for claim 8 as elements. As demonstrated above, independent claim 8 is not anticipated by *Akasheh*, nor does *Akasheh* suggest every element of claim 8.

Thus, *Akasheh* fails to teach every element of each of the claims 9-15. Because *Akasheh* fails to teach every element of each of the claims 9-15 as required by MPEP 2131, *Akasheh* does not anticipate claims 9-15. In addition, *Akasheh* fails to suggest every element of claims 9-15. As such, claims 9-15 are allowable over *Akasheh*.

Regarding Rejection of Independent Claim 16 Under 35 U.S.C. § 102:

Among other items, *Akasheh* does not disclose a storing medium storing “a plurality of sets of previously created alternative specifications for accessing said datapoints, wherein each of the plurality of alternative specifications is a different specification for assessing the datapoint” as claim 16 of the Present Application does. Applicant again notes that in column 6, lines 23-35 and in column 7, lines 19-37, *Akasheh* discloses setting “a pass/fail criteria for a specific test step” but does NOT disclose the selection of “one of a plurality of previously created alternative specifications” which can be used for a particular datapoint as in claim 16 of the Present Application. In *Akasheh* each of the instruments 112.sub.1 ... 112.sub.N individually measures a separate datapoint and each of the instruments 112.sub.1 ... 112.sub.N individually uses its ONE AND ONLY specified criteria for evaluation of its datapoint.

Thus, Applicant has demonstrated that *Akasheh* fails to teach every element of claim 16. Because *Akasheh* fails to teach every element of claim 16 as required by MPEP 2131, *Akasheh* does not anticipate claim 16. In addition, *Akasheh* fails to suggest every element of claim 16. Thus, claim 16 is allowable over *Akasheh*.

Regarding Rejection of Dependent Claims 17-19 Under 35 U.S.C. § 102:

Because dependent claims 17-19 depend from independent claim 16, it is noted that dependent claims 17-19 have all the features described above for claim 16 as elements. As demonstrated above, independent claim 16 is not anticipated by *Akasheh*, nor does *Akasheh* suggest every element of claim 16.

Thus, *Akasheh* fails to teach every element of each of the claims 17-19. Because *Akasheh* fails to teach every element of each of the claims 17-19 as required by MPEP 2131, *Akasheh* does not anticipate claims 17-19. In addition, *Akasheh* fails to suggest every element of claims 17-19. As such, claims 17-19 are allowable over *Akasheh*.

Regarding Rejection of Dependent Claim 20 Under 35 U.S.C. § 102:

As stated above, in the section entitled “Claim Rejections - 35 USC § 102 on page 2 of the Office Action of 2 June 2004, claim 20 was rejected under 35 U.S.C. § 102 as allegedly being anticipated by *Akasheh*. However, the Office Action of 2 June 2004 failed to provide a discussion of the rationale for such rejection. Regardless, because dependent claim 20 depends from independent claim 16, it is noted that dependent claim 20 has all the features described above for claim 16 as elements. As demonstrated above, independent claim 16 is not anticipated by *Akasheh*, nor does *Akasheh* suggest every element of claim 16.

Thus, *Akasheh* fails to teach every element of claim 20. Because *Akasheh* fails to teach every element of claim 20 as required by MPEP 2131, *Akasheh* does not anticipate claim 20. In addition, *Akasheh* fails to suggest every element of claim 20. As such, claim 20 is allowable over *Akasheh*.

3. REJECTION OF CLAIM 20 UNDER 35 U.S.C. § 103(a):

In the section entitled “Claim Rejections - 35 USC § 103” beginning on page 5 and continuing on page 6 of the Office Action of 2 June 2004, claim 20 was rejected under 35 U.S.C. § 102 as allegedly being unpatentable over *Akasheh* in view of Applicant’s alleged admitted prior art, hereinafter *AAPA*. Applicant respectfully traverses.

Referring to MPEP 2142, “To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.”

Regarding Rejection of Claim 20 Under 35 U.S.C. § 103(a):

With respect to the rejection of claim 20 under 35 U.S.C. § 103(a), it is noted that dependent claim 20 depends from independent claim 16 and that, as such, dependent claim 20 has all the features described above for claim 16 as elements. As demonstrated above, among other items, *Akasheh* does not disclose a storing medium storing “a plurality of sets of previously created alternative specifications for accessing said datapoints, wherein each of the plurality of alternative specifications is a different specification for assessing the datapoint” which is an element of claim 16 of the Present Application. Nor does the *AAPA* disclose such.

Thus, the cited references do not teach nor do they suggest all the claim limitations of claim 20 as required by MPEP 2142. As such, claim 20 is not obvious over *Akasheh* in view of the *AAPA*, and it follows that claim 20 is allowable.

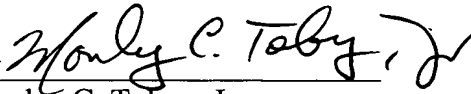
4. REGARDING NEW CLAIMS 21-24:

For reasons that are readily apparent new claims 21-24 are also allowable.

5. IN CONCLUSION:

Entry of this amendment is respectfully requested. Applicant believes that all claims pending in the Present Application as described above are allowable and that all other issues raised by the Examiner have been rectified. Therefore, Applicant respectfully requests the Examiner to reconsider his rejections and to grant an early allowance.

Respectfully submitted,

by 

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